

2013-R818

RESOLUTION adopting proposed amendments to the 2013-2014 Executive Budget submission (Legislative Bills S2600C, S2603C, S2604C, S2605C, S2606C, S2607C, S2608C and S2609C)

WHEREAS, It is the intent of the Legislature to effectuate the timely passage of a State Budget; and

WHEREAS, It is the intent of the Legislature to engage in the Budget Conference Committee process, which promotes increased participation by the members of the Legislature and the public; and

WHEREAS, The Senate Finance Committee has conducted an extensive study and review of the Governor's 2013-2014 Executive Budget submission and has recommended proposed amendments to such Budget submission in the above referenced Legislative Bills and Report on the Amended Executive Budget; and

WHEREAS, Article VII of the New York State Constitution provides the framework under which the New York State Budget is submitted, amended and enacted. The New York State Courts have limited the Legislature in how it may change the appropriations bills submitted by the Governor. The Legislature can delete or reduce items of appropriation contained in the several appropriation bills submitted by the Governor in conjunction with the Executive Budget, and it can add additional items of appropriation to those bills provided that such additions are stated separately and distinctly from the original items of the bill and refer each to a single object or purpose; and

WHEREAS, An interchange is the movement of appropriations resulting in an increase or decrease of appropriation authority within a program or purpose, or between programs. In accordance with Section 51 of the State Finance Law, there is unlimited interchangeability of appropriations from the same fund within a program or purpose, but there are limits on

the interchangeability of appropriations between programs or purposes of the same fund; and

WHEREAS, An extensive study and review of the Governor's 2013-2014 Executive Budget submission has revealed that the construction of the budget bills submitted to the Legislature by the Governor constrains the Legislature in its ability to fully effectuate its intent in amending the Governor's budget submission; and

WHEREAS, The 2013-14 Executive Budget includes just over \$3 billion in new programs throughout various agencies which are direct aid and grant programs, have been drafted as lump sum appropriations and are proposed to be distributed at the sole discretion of the Executive. In addition, some of these proposed initiatives would be funded by eliminating existing programs. New capital spending, distributed through regional economic development councils, is also included in the Executive proposal; and

WHEREAS, The Legislature has amended the Governor's 2013-2014 Executive Budget submission to the fullest extent possible within the authority provided to it pursuant to Section 4 of Article VII of the New York State Constitution; and

WHEREAS, The Senate, in addition to the Governor's 2013-2014 Executive Budget submission bills as amended by the Senate, does hereby provide its recommendations as to provisions in the Governor's 2013-2014 Executive Budget submission which reflect those items the Senate is constrained from effectuating as amendments to the 2013-2014 Executive Budget appended hereto; and

WHEREAS, It is the intent of the Legislature that upon the passage of the Governor's 2013-2014 Executive Budget submission as amended by the Senate, and the incorporated Report on the Amended Executive Budget may provide a basis for both houses of the Legislature to convene Committees

on Conference pursuant to Joint Rule III of the Senate and Assembly for the purpose of reconciling any differences between the amendments to the Governor's budget as proposed by each house of the Legislature; now,

therefore, be it

RESOLVED, That, the above referenced legislative bills (S2600C, S2603C, S2604C, S2605C, S2606C, S2607C, S2608C and S2609C) be and are incorporated as part of this resolution and are hereby adopted as the New York State Legislature's proposed amendments to the 2013-2014 Executive Budget Submission.

REPORT ON THE AMENDED EXECUTIVE BUDGET
ALL STATE AGENCIES AND OPERATIONS

ADIRONDACK PARK AGENCY

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$5,085,400.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation to reappropriate previous year's funding of \$500,000.

AGING, OFFICE FOR THE

State Operations (S.6260-C)

* The Senate concurs with the Executive's recommendation of \$12.9 million.

Aid to Localities (S.2603-C)

* The Senate modifies the Executive's recommendation of \$228.7 million as follows:

- o Adds \$2.75 million for elder care initiatives.

AGRICULTURE AND MARKETS, DEPARTMENT OF

State Operations (S.6260-C)

* The Senate concurs with the Executive recommendation of \$119.7 million with the following modification:

- o Denies the Executive's language allowing transfer authority for laboratories between the Departments of Health, Environmental Conservation, and Agriculture and Markets.

Aid to Localities (S.2603-C)

* The Senate provides restorations to Agricultural programs as follows:

- o \$821,000 for the Farm Viability Institute;
- o \$500,000 for North Country Agricultural Development;
- o \$150,000 for efforts to fight Eastern Equine Encephalitis;
- o \$100,000 for Tractor Rollover Prevention;
- o \$100,000 for the Maple Producers Association;
- o \$100,000 for the Cornell Rabies Program;
- o \$100,000 for Cornell Farm Family Assistance (FarmNet);

* The Senate provides additional funding as follows:

- o \$794,000 for the Apple Growers Association;
- o \$287,000 for the Wine and Grape Foundation;
- o \$279,000 for the Farm Viability Institute;
- o \$100,000 for Cornell Farm Family Assistance (FarmNet);
- o \$100,000 for the Cornell Rabies Program;

- o \$25,000 for the Maple Producers Association;
- o \$220,000 for Dairy Profit Teams to be administered by Farm Viability;
- o \$100,000 for the Christmas Tree Farmers Association;
- o \$100,000 for Fruit Fly Research at Geneva Experiment Station;
- o \$77,500 for Cornell Research Station; and
- o \$20,000 for a Low-Cost Rabies Vaccine Program.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$3,000,000.

Article VII Proposals (S.2608-C)

* PART BB: The Senate advances language to reduce impediments to agricultural organizations using county fairgrounds, by clarifying that local grounds can be rented for storage of personal property for profit and by limiting local ordinances that require approval for payment of a fee for exhibits and entertainments.

* PART CC: The Senate advances language to limit any change in agricultural land value assessments to a maximum of two percent of the preceding year.

ALCOHOLIC BEVERAGE CONTROL BOARD

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$18.9 million.

AUDIT AND CONTROL, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$273,089,000.

Aid to Localities (S.2603-C)

* The Senate concurs the Executive recommendation of \$32,025,000.

BUDGET, DIVISION OF THE

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$53,878,000 to:

- o Deny \$2.5 million for a Financial Restructuring Assistance Program;
- o Restore \$10,000 for the membership to the National Conference of Insurance Legislators (NCOIL); and,
- o Restore \$459,000 for membership to the Council of State Governments (CSG).

CHILDREN AND FAMILY SERVICES

State Operations (S.2600-C)

* The Senate concurs with the Executive's All Funds Recommendation of \$540.4 million, an increase of \$11.2 million or 2.12 percent from SFY 2012-13 levels, with the following modifications:

- o Denies facility closures and program model costs related to the Close to Home expansion initiative, net savings of \$820,000.

Aid To Localities (S.2603-C)

* The Senate modifies the Executive's All Funds Recommendation of \$3.2 billion, a decrease of \$53.0 million or 1.63 percent from the SFY 2012-13 levels, as follows:

- o The Senate restores and/or adds funding to the following General Fund programs:
 - o Child Care Subsidies, add \$2 million;
 - o Child Advocacy Centers, restore \$750,000 and add \$2.5 million for a total of \$8.2 million;
 - o Youth Development and Delinquency Program / Special Delinquency Prevention Program, restore \$1.3 million and add \$1.2 million for a total of \$16.6 million;
 - o Runaway and Homeless Youth Act programs, restore \$214,456 for a total of \$2.57 million;
 - o Safe Harbor - Sexually Exploited Youth, restore \$1.5 million and

add \$500,000 for a total of \$2 million;

- o Community Reinvestment Programs, restore \$1.75 million and add \$1.75 million for a total of \$3.5 million;

- o Boys and Girls Club, restore \$750,000 and add \$250,000 for a total of \$1.0 million;

- o Yeled V'yalda Early Childhood Center, add \$350,000;

- o Helen Keller - CORE Program, add \$35,000; and

- o National Federation of the Blind, add \$75,000.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's All Funds Recommendation of \$37.7 million, consistent with SFY 2012-13 levels.

Article VII Proposals (S.2607-C)

* PART G: The Senate amends the Executive proposal to consolidate the youth development and delinquency prevention program and the special delinquency prevention program into one program as follows:

- o Establishes the definitions of "local youth bureau" and "municipal youth bureau" and amends the definition of "municipality" to include a local youth bureau.

- o Amends the proposal to require the Office of Children and Family Services to consider the percentage of youth living in poverty and the number of youth under the age of 21 as factors when determining the amount of state aid each municipality will receive.

- o Amends the proposal to require that a municipality's comprehensive plan address the need for youth development programs in not only towns and cities but also villages with a youth population of 20,000 or more.

- o Amends the proposal to require that the Office of Children and Family Services work with pertinent stakeholders when developing and promulgating regulations. Further requires that the regu-

lations include the distribution formula and role of municipal youth bureaus in the development of the comprehensive plan.

- o Amends the proposal to provide for two municipalities to join together to establish, operate and maintain youth development programs.
- o Denies the proposal to include language with respect to the runaway and homeless youth program.
- o Establishes that the program shall expire as of December 31, 2018 and requires the Office of Children and Family Services to promulgate regulations on or before the proposal's effective date.

* PART H: The Senate denies the Executive's proposal to expand the Close to Home Juvenile Justice Initiative model, enacted as part of the 2012-13 State Budget, to the entire state for youth placed with the Office of Children and Family Services (OCFS) for care in a non-secure setting.

CITY UNIVERSITY OF NEW YORK (CUNY)

State Operations (S.2600-C)

* The Senate concurs with the Executive's recommendation of \$2.3 million.

Aid To Localities (S.2603-C)

* The Senate amends the Executive proposal for community college base aid to increase full-time equivalent (FTE) funding by \$150. Base aid would be \$2,422 per FTE under the Senate proposal, for a total of \$9,261,000.

* The Senate denies the Executive proposal to make \$2,000,000 in program incentive fund awards to CUNY community colleges.

* The Senate restores \$544,000 for CUNY community college childcare

centers.

* The Senate adds \$1,880,000 for CUNY community college workforce development.

Capital Projects (S.2604-C)

* The Senate encourages the development of a new five-year capital plan to fund critical maintenance projects and strategic initiatives at the City University of New York.

Article VII (S.2607-C)

* PART D: The Senate denies the Executive proposal to create the Next Generation NY Job Linkage program.

* PART V: The Senate advances language to codify several recommendations from the chargeback report submitted pursuant to chapter 57 of the laws of 2012. The language also eliminates the ability of counties to charge back towns for upper division courses at the Fashion Institute of Technology, subject to appropriation.

Article VII (S.2609-C)

* PART II: The Senate advances language to exempt community colleges from the MTA payroll tax.

CIVIL SERVICE, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$56,549,000 to:
o Deny \$2.7 million for 26 additional full time equivalent positions.

Article VII Proposal (S.2607-C):

* PART X: The Senate a new PART X to prohibit the Department of Civil Service from merging or consolidating with any other department,

agency, or division of the State.

Article VII Proposal (S.2605-C):

* PART X: The Senate Proposes language to establish a commission on Management Confidential (M/C) employee compensation.

COMMISSION OF CORRECTIONS, STATE

State Operations (S.2600-C)

* The Senate reduces the Commission's funding by \$1 million to \$1.9 million.

CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$3 billion, with the following modifications:

- o Restores funding of \$6 million for the full and continued operation of Beacon Correctional Facility;

- o Restores funding of \$60,000 for the continued maintenance expenses associated with Fulton Correctional Facility;

- o Modifies the Executive recommendation, without prejudice, related to language to allow Beacon and Bayview Correctional Facilities to close with a 60 day notice instead of the current one-year prison closure notification.

- o Removes appropriation language, without prejudice, related to the permanent extension of a licensure exemption for social workers, mental health practitioners and psychologists working in certain exempt settings. (Discussed further in the Miscellaneous section PART W, S. 2607-C).

* The Senate includes the following reduction:

- o (\$7.5 million) General Fund Maintenance Undistributed reduction

from the elimination of duplicative administrative positions in correctional facilities at certain facilities within close proximity to one another.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$31 million.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$310 million.

Article VII Proposals (S.2605-C)

* Part A: The Senate denies the Executive proposal to close Beacon and Bayview Correctional Facilities with a 60 day notice.

* Part B: The Senate denies the Executive proposal to transfer the Fulton Correctional Facility to the Thomas Osborne Memorial Fund Incorporated.

* Part Y: The Senate advances language to require the Commissioner of the Department of Corrections and Community Supervision to establish prison facility efficiency to reduce duplication of facility administrative positions for correctional facilities that are located in close proximity to one another.

* Part AA: The Senate advances language to require the Department of Corrections and Community Supervision to supervise the mandatory installation and maintenance of ignition interlock devices of persons released on community supervision.

COUNCIL ON THE ARTS

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$4,719,000

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$37,964,000

CRIMINAL JUSTICE SERVICES, DIVISION OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$88.4 million, with the following modification:

- o Provides \$2.5 million for the creation of a Gun Offense and Violent Felony Offender Database.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$175 million, with the following modifications:

- o Modifies the Executive recommendation, without prejudice, related to the Federal Edward Byrne Justice Assistance Grant (JAG) appropriation. Alternatively the Senate requests that the Byrne/JAG program be allocated as it has been in previous years.
- o Restores funding of \$609,000 for domestic violence programs.
- o Restores funding of \$450,000 for anti-crime, anti-violence, crime control and treatment and prevention programs.
- o Restores funding of \$650,000 for civil or criminal legal services for domestic violence programs with the Legal Services Assistance Account.
- o Restores \$600,000 for the Indigent Parolee Program from the Legal Services Assistance Account.
- o Provides \$2 million for the establishment of regional operation S.N.U.G programs.
- o The Senate denies \$1 million for services and expenses of state-wide indigent legal services for persons reentering communities from state prison.
- o The Senate denies new funding of \$3.7 million for civil or crim-

inal legal services including domestic violence services, pursuant to a plan submitted by the Division of Criminal Justice Services and approved by the Division of the Budget.

- o The Senate denies the Executive proposal to combine existing Alternative to Incarceration and Drug and Alcohol funding of \$5.1 million allocated through a competitive process.

- o The Senate denies combining two existing Alternative to Incarceration programs totaling \$4.4 million and adding an additional \$7 million for \$11.4 million in funding under a competitive process to target high risk offenders.

- o The Senate reduces by \$3 million the Executive proposal to increase General Fund spending by \$7 million for Alternative to Incarceration programs.

Article VII Proposals (S.2605-C)

- * Part D: The Senate concurs with the Executive proposal to Ratify the National Crime Prevention and Privacy Compact.

- * Part E: The Senate extends for two years various criminal justice provisions set to expire in 2013, allows the provision pertaining to the community treatment program to expire, and denies the Executive proposal to make any of the provisions permanent.

- * Part F: The Senate concurs with the Executive proposal to continue provisions relating to the disposition of certain monies recovered by county district attorneys.

- * Part Z: The Senate advances language to allow courts in the City of New York to sentence certain offenders without a pre-sentence investigation.

- * Part BB: The Senate advances language for the creation of a Gun Offense and Violent Felony Offender Database.

- * Part II: The Senate advances language to waive earning limitations pursuant to section 211 of the retirement and social security law

for retired police officers employed by a school district as a School Resource Officer.

DEFERRED COMPENSATION BOARD

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$892,000.

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL.

State Operations (S.2600-C)

* The Senate concurs with the Executive's proposal of \$4.8 million.

ECONOMIC DEVELOPMENT, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the following Executive recommendations:

- o \$3,720,000 for the Administration Program.
- o \$385,000 for the Clean Air Program.
- o \$2.5 million in funding for services and expenses of the tourism marketing program and adds \$2.5 million for the I ? NY program.

* The Senate denies the following Executive recommendations:

- o \$3,000,000 for the 2016 MWBE disparity study.
- o \$2,000,000 for the Taste New York program.

Aid to Localities (S.2603-C)

* The Senate concurs with the following Executive recommendations:

- o \$5,234,000 for Centers of Excellence and adds funding of \$500,000 to the Stony Brook Center of Excellence in advanced energy research.
- o \$13,818,000 for Centers of Advanced Technology.
- o \$343,000 for the Science and Technology Law Center.

- o \$3,815,000 for local tourism matching grants and adds \$2,500,000 for local tourism matching grants.
- o \$7,470,000 for the Training and Business Assistance Program.
- o \$11,297,000 for the High Technology program.
- * The Senate denies the following Executive recommendations:
 - o \$1,250,000 for the Innovation Hot Spots program.
 - o \$5,000,000 in funding for the Market New York program.
- * The Senate adds \$1,000,000 for the New York State Business Incubator program.

DEPARTMENT OF EDUCATION

State Operations (S.2600-C)

- * The Senate concurs with the Executive recommendation of \$582 million in all funds state operations appropriations for the State Education department.
- * The senate recommends adding \$1 million for the administration of general equivalency diploma (GED) exams

Aid to Localities (S.2603-C)

- * The Senate amends the Executive recommendation for Aid to Localities as follows:

GENERAL SUPPORT FOR PUBLIC SCHOOLS:

- o The Senate modifies the Executive's school aid by increasing General Support for Public Schools (GSPS) to a total program of \$21.1 billion. This represents a \$415 million increase over the Executive proposal for the 2013-14 school year;
- o On a fiscal year basis the changes proposed beyond the Executive translate into an \$319 million general fund need which is offset by reductions in the Executive's proposed fiscal stabilization grants (\$142 million) and several categories of proposed compet-

itive grant programs (-\$77 million);

- o The Senate's proposed \$20.1 billion GSPS program provides for a \$931 million school year increase. Of this amount \$925.49 million represents the year to year increase on the state aid run which is an increase of 4.61 percent;
- o The Senate recommends increasing the Executive's proposed GEA from \$321 million to \$620 million overall. This proposal would reduce the overall Gap Elimination Adjustment to \$1.54 billion;
- o The Senate restores the Executive's reductions in high tax aid while ensuring those that received increases under the Executives plan continue under the Senate plan; and
- o The Senate proposes to reduce the GEA over three years for a full phase down in the 2016-2017 school year.

NONPUBLIC SCHOOLS:

- o The Senate recommends an increase in Comprehensive Attendance policy reimbursement by \$16 million. This will bring the total program level to \$50 million.
- o The Senate recommends including language requiring the State Education Department to calculate reimbursement for CAP funding using the 2005-06 methodology; The Senate recommends adding \$4.5 million for reimbursement of nonpublic safety grant purchases; and
- o The Senate recommends requiring New York City to enhance student safety, by providing transportation to children attending public and non-public schools in grades K-6, who remain at the same school for regularly scheduled academic classes until 4 o'clock in the afternoon or later. In addition language is proposed requiring the Chancellor to determine if the City or if alternative transportation providers can transport its students in the most cost effective way while maximizing student safety.

ANNUAL PROFESSION PERFORMANCE REVIEWS (APPR):

- o The Senate accepts the Executive proposal to withhold the increase in school aid for districts which did not implement an APPR deal by January 17, 2013 for the 2012-13 school year and every year thereafter;
- o The Senate modifies the Executive proposal to provide for binding arbitration in the City of New York if the school district and the union do not have an APPR plan in place by the first Wednesday following the first Friday in May. The Senate plan provides for binding arbitration for all school districts across the State. The Senate recommends requiring the Commissioner of Education to arbitrate a binding Annual Performance Review Plan for all districts who do not have an APPR plan by July 1, 2013

to ensure that all districts have an implemented plan by September 1, 2013; and

- o The Senate recommends extending APPR grants through the 2013-14 school year and provide for funding through remaining unexpended competitive grant appropriations.

SPECIAL EDUCATION:

- o The Senate rejects the Executive proposal to change the initial payment responsibility methodology for 4201 Deaf and Blind schools (+\$24 million);
- o The Senate accepts the Executive proposal to provide a waiver for those state mandated special education requirements which exceed Federal law. The waiver would require districts to provide notice ensuring that parents are aware of all relevant changes and are allowed 60 days prior to the application to comment;
- o The Senate rejects the Executive proposal to allow NYC to set rates for pre-school special education tuition rates;

- o The Senate recommends providing additional funding for Special Act school districts, Chapter 853 schools and 4201 schools (+\$15 million); and
- o The Senate accepts the Executive proposal to allow municipalities to retain 100 percent of recovered funds from pre-school special education audits they perform. Currently they retain 40.5 percent.

BUILDING AID:

- o The Senate repeals the building aid assumed amortization ten year interest rate recalibration;
- o The Senate recommends increasing the minimum reimbursement for school building safety purchases from 10 percent to 50 percent; and
- o The Senate recommends language to provide relief to those districts that have filed a late final cost report and are penalized an amount equal to the aid associated with the period between when the report was due and when it was submitted;
- * The Senate modifies the Executive proposal to create community schools by adding an additional \$700,000.
- * Contracts for Excellence: The Senate recommends subjecting only the City of New York to the Contract for Excellence Program for the 2013-2014 school year, with reduced investments (Gap Elimination Adjustment) unless they can be identified as in "good standing."
- * School Aid Database Freeze: The Senate rejects the Executive proposal to freeze school aid claims and payments.
- * Internal Audits: The Senate recommends eliminating the internal claims audit for all school districts at the school district option.
- * Charter School Tuition Freeze: The Senate accepts the Executive proposal to extend freezing the Charter school tuition for the 2013-14 school year.

Article VII Proposals (S.2607-C)

* Personal Income Growth Index (PIGI): The Senate recommends changing the way in which the GSPS aid cap is calculated moving from a one year index to one that takes the 10 year average of the State's personal income growth.

* Regional High Schools (Statewide): the Senate recommends Article VII language to create the regional high school program which intends to

help fiscally struggling districts to share services and provide for a highly rigorous educational program.

* Supplemental Valuation Impact Grants: The Senate recommends providing grants to mitigate the impact of significant full valuation drop on school district budgets as a result of energy company settlements. The school districts that have experienced these significant changes are the North Shore School District, Union Endicott, West Valley & Marlboro.

* Employee Benefit Accrued Liability Reserve Extender: The Senate recommends allowing school districts to withdraw excess funds from the reserve up to the amount of their Gap Elimination Adjustment.

* Mandate Relief: The Senate recommends the following mandate relief proposals:

- o Eliminating the State back lit bus sign mandate - federal law allows for reflective tape to be utilized;
- o Provide transportation relief for those school district's impacted by Superstorm Sandy;
- o Elimination of school building visual inspection requirements;
- o Provide that school districts may take their annual census biannually;
- o Provide flexibility for high performing districts which consistently meet high standards and demonstrate excellence in selected criteria such as test scores and attendance/graduation rates;
- o The Senate recommends negating penalties for school districts

which were unable to open due to an extraordinary circumstance, natural disaster or emergency;

- o Clarify that under State law when out of State homeless students move to a school district in the State of New York that the school district is not the district of origin for the purposes of school district chargebacks;
- o Allowing school districts that are operating their own transportation system to move a portion or all of their transportation contracts to a private operator. Transportation aid will still be calculated at the district operation expense rate. Districts will be allowed to keep any savings resulting from the private contracts.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$310 million for State Fiscal year 2013-14.

ELECTIONS, STATE BOARD OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$5,200,000.

EMPIRE STATE DEVELOPMENT CORPORATION

Aid to Localities (S.2603-C)

* The Senate concurs with the following Executive recommendations:

- o \$42,885,000 for the Economic Development Program.
- o \$5,000,000 for promotional activities relating to Super Bowl XLVIII.

* The Senate provides funding for the following:

- o \$3,200,000 for the USA Niagara Development Corporation.
- o \$350,000 for the Adirondack North Country Association.

- o \$5,000,000 for military base retention efforts.

- o \$1,000,000 for Center State Corporation for Economic Opportunity.
- o \$2,500,000 for economic development projects.
- o \$250,000 for the CNY Biotech Accelerator.

Capital Projects (S.2604-C)

* The Senate concurs with the following Executive recommendations:

- o \$53,891,000 for the Ralph Wilson Stadium.
- o \$2,166,000 for the retention of professional football in Western New York.
- o \$75,000,000 for the Buffalo Regional Innovation Cluster.
- o \$55,000,000 for the NY SUNY 2020 Challenge Grant Program.
- o \$55,000,000 for the NY CUNY 2020 Challenge Grant Program.

* The Senate denies without prejudice the following Executive proposals:

- o \$150,000,000 for allocation by the regional economic development councils.
- o \$165,000,000 for the New York Works Economic Development Fund.
- o \$720,000,000 for the Transformative Capital Fund.

Article VII Proposals (S.2608-C)

* PART H: The Senate amends the proposal to permanently authorize UDC to issue loans; and instead extends the authorization for one year.

* PART I: The Senate approves the proposal to allow the Dormitory Authority to provide design and construction services to the Department of Environmental Conservation and the Office of Parks, Recreation, and Historic Preservation until 2015.

EMPLOYEE RELATIONS, OFFICE OF

State Operations (S.2600-C)

- * The Senate amends the Executive recommendation of \$13 million to:
 - o Deny \$2.7 million for 26 additional full time equivalent positions.
 - o Deny \$5 million for a jobs training pilot program related to facility closures.

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

State Operations (S.2600-C)

- * The Senate concurs with the Executive recommendation of \$8,791,000.

Aid to Localities (S.2603-C)

- * The Senate concurs with the Executive recommendation of \$7,439,000.

Capital Projects (S.2604-C)

- * The Senate amends the Executive recommendation of \$37,000,000 by denying \$25,000,000 in funding for the Cleaner, Greener, Communities Program.

Article VII Proposal (S.2605-C)

- * PART K: The Senate concurs with the Executive proposal to authorize and direct the Comptroller to receive for deposit to the General Fund a payment of up to \$913,000 from the New York State Energy Research Development Authority to offset debt service related to the Western New York Nuclear Service Center (West Valley).

- * PART L: The Senate denies the Executive proposal to authorize the New York State Energy Research and Development Authority to finance

a portion of its research, development and demonstration, and policy and planning programs, and to finance the Department of Environmental Conservation's climate change program, from an assessment on

gas electric corporations.

* PART S: The Senate modifies the Executive's proposal related to on-site backup generation capacity for retail gas and diesel providers to permit retailers to apply for grants administered by the New York State Energy and Resource Development Authority for costs to enable a retailer to pre-wire an existing outlet with an appropriate transfer switch for using a generator, or grants for the purchase of a generator, provided the grant program receives approval of storm cost recovery related federal mitigation funds.

* PART JJ: The Senate advances language to establish a repowering and local mitigation fund to temporarily assist school districts and local governments facing imminent fiscal distress from a loss of ad valorem revenues received from power generating facilities. These funds would be collected from climate impact allocations on imported power from out-of-state generators.

* PART MM: The Senate advances language to impose climate impact assessments on the importation of electricity at the same levels that in-state power producers currently have to meet.

* PART RR: The Senate advances language to direct various state agencies and interested parties to study and offer recommendations for encouraging micro-grid systems in New York State. Micro-grid electrical systems are self sustaining distributed energy generation and transmission resources that can operate both on or off the grid, and are designed, in part, to help protect vital public health and safety infrastructure in the event of major disruptions to the power grid.

ENVIRONMENTAL CONSERVATION

State Operations (S.2600-C)

* The Senate concurs with the Executive's recommendation of \$451,805,000.

Aid to Localities (S.2603-C)

* The Senate amends the Executive's proposal to fund the Department of Environment Conservation's Aid to Localities efforts at \$1,676,000 through an addition of \$500,000 to restore and augment the Cornell Community Integrated Pest Management Program for a recommended funding level of \$2,176,000.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive proposal for \$444,300,000 in capital project funding, however recommends amendments to the Environmental Protection Fund to better reflect Senate priorities including increasing efforts for invasive species eradication, funding for zoos and botanical gardens and the Finger Lakes - Lake Ontario Water Protection Alliance.

Article VII Proposal (S.2605-C)

* PART F: The Senate modifies the Executive proposal to increase revenues deposited to the EPF by redirecting unclaimed bottle deposit receipts as well as enhancing fraud prevention measures under the Bottle Bill law, and by making a programmatic change that would streamline accounting practices for participating businesses.

* PART G: The Senate modifies the Executive proposal to extend authorization of the waste tire fund permanently by extending the fee for three years and creates a competitive grant program for manufacturers that use recycled tire materials.

* PART R: The Senate modifies the Executive proposal to simplify and consolidate fishing, hunting, and trapping licenses, and to reduce the price of such licenses, by proposing language for the continuation of a separate and distinct trapping license.

* PART T: The Senate advances language to delay the implementation of the Diesel Emission Reduction Act by two years.

* PART FF: The Senate advances language to define integrated pest management in statute consistent with the current regulatory definition in New York to provide clarity and predictability for the various entities that utilize this protocol for pest management.

* PART KK: The Senate advances language to authorize the Department of Environmental Conservation to regulate the use of crossbows. Hunting with crossbows would not be allowed in New York City, Westchester or Long Island and enforcement measures governing their use would be strengthened.

* PART NN: The Senate advances language for a comprehensive environmental and urban reclamation reform package covering three major programmatic areas:

- o Reform the Oil Spill Program to allow volunteers that agree to perform cleanups under State oversight to receive a liability release, and require more vigorous State enforcement actions against non-conforming responsible parties.

- o Restrict eligibility for the Brownfield Cleanup Program to sites suffering significant contamination and economic distress, to allow state superfund sites into the program, and provide comprehensive administrative reforms regarding regulations, fees and enforcement. In addition, the current tax credit sunset date of December 31, 2015 would be eliminated.

- o Reform the brownfield opportunity area program to provide applicants with guidance on the program's eligibility and scope and encourage the actual implementation of local cleanup and reuse plans.

EXECUTIVE CHAMBER

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$17,854,000.

FINANCIAL CONTROL BOARD, NEW YORK STATE

State Operations (S.2600-C)

* The Senate concurs with the Executive's recommendation of \$3,131,700.

FINANCIAL SERVICES

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$326.6 million.

Aid To Localities (S2603-C)

* The Senate concurs with the Executive recommendation of \$225.6 million.

Article VII Proposal (S.2605-C)

* PART GG: The Senate advances a proposal to expedite the formation of New York State Health Care Quality and Cost Containment Commission.

GENERAL SERVICES, OFFICE OF

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$1,026,425,000 to:
o Deny \$9.1 million for 87 additional full time equivalent positions.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$37,675,000.

Article VII Proposal (S.2605-C)

* PART P: The Senate modifies the Governor's proposal to allow discretionary purchasing by state agencies for NY commodities under \$200,000 in value in order to provide explicit requirements to exclude potential favoritism within the process.

Article VII Proposal (S.2608-C)

* Part OO - The Senate advances language to create the Office of Risk Assessment and Management within the Office of General Services, which would be tasked with (1) identifying the State's potential exposure to costs associated with damage to its real and personal property damage, (2) implementing risk management programs to manage the State's exposure to risk, and (3) coordinating and supporting risk management programs for all State agencies.

GENERAL STATE CHARGES

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$3,025,967,000 to:

- o Reduce the Albany PILOT payment by \$5.35 million;
- o Reduce cash disbursements for employer pension contributions to reflect savings accrued to New York State from participating in the long-term stable pension contribution option proposed by the Executive for local governments and school districts and through other workforce related re-estimates.

Article VII Proposal (S.2605-C):

* PART G: The Senate proposes modifications to the Executive proposal to provide the New York State Comptroller and the New York State Teachers' Retirement System Board authority to make a long-term stable pension contribution option available to local governments. Providing localities with predictable and stable pension obligations

will provide needed relief at all levels of government. The end result of any plan adopted should ensure the Comptroller and the Teachers' Retirement System Board can meet their fiduciary duties, keep pension plans appropriately funded and provide municipalities the stability they request.

* PART H: The Senate denies the Executive proposal to amend the Civil Service Law in relation to the reimbursement of Medicare premium charges

GREENWAY HERITAGE CONSERVANCY OF THE HUDSON RIVER VALLEY

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$166,000.

HEALTH, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate modifies the Executive's recommendation of \$3.1 billion as follows:

- o Denies the Executive's proposal to consolidate and/or co-locate Department of Health (DOH), Department of Environmental Conservation, and Department of Agriculture and Markets laboratories;
- o Denies adding two Full Time Equivalent (FTEs) associated with the proposal to transfer the Child Health Plus (CHP) rate setting process from the Department of Financial Services (DFS) to DOH, and reduces funding by \$200,000;
- o Reduces General Fund spending by \$29.0 million, or by five percent; and
- o Provides \$8.1 million for the spinal cord injury research fund.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's recommendation of \$85.6

million.

Aid to Localities (S.2603-C)

* The Senate modifies the Executive's recommendation of \$115.8 billion as follows:

PUBLIC HEALTH

o Denies the Executive's proposal to consolidate 89 public health programs into six competitive pools, and provides \$40.0 million to restore the 10 percent reduction.

o Modifies the proposal to limit the number of excess medical malpractice policies, and restores \$12.7 million.

o Denies the Executive's proposal to transfer the rate setting process for CHP from DFS to DOH, and provides \$10.0 million to sunset the 28 percent reduction to premiums above the statewide average.

o Denies the Executive's proposal to implement reforms to the Early Intervention (EI) screening process and require CHP to cover EI services, and achieves \$789,000 in General Fund Savings.

o Restores \$300,000 for the Maternity and Early Childhood Foundation and \$500,000 for women's wellness initiatives.

o Provides funding for the following programs or initiatives:

* \$7.1 million- Health Care Transition Funds;

* \$1.5 million- Critical Access Hospitals;

* \$600,000-Ciometric Pilot Program;

* \$375,000 Adrenoleukodystrophy (ADL) Screening; and

* \$100,000-ARC Demonstration Program.

MEDICAID

o Modifies the Executive's proposal to extend the two percent reduction to all service sectors for one year by restoring the

reduction effective February 15, 2014 and provides \$26 million.

o Denies the Executive's proposal to:

* Eliminate spousal refusal and provides \$34.3 million;

* Eliminate prescriber prevails for atypical anti-psychotics under managed care and all drugs under Fee For Service (FFS), and provides \$2.1 million;

* Reduce the FFS pharmacy brand reimbursement and provides \$1.8 million;

* Require minimum supplemental rebate requirements for drugs that are eligible for State public health plan reimbursement and provides \$475,000;

* Require CHP to cover EI services under Medicaid and provides \$450,000

o Authorizes prescriber prevails for all drug classes under managed care and provides \$2.3 million.

o Authorizes all counties to perform Medicaid audits at the local level and achieves \$7.1 million in additional State Medicaid recoveries.

o Reduces the utilization of Medicaid optional services by five percent and achieves \$208.0 million in State savings.

Article VII Proposals (S.2606-C)

* Part A: The Senate modifies the Executive's proposal to implement Medicaid Redesign Team (MRT) Phase III initiatives as follows:

o The Senate denies the proposals that would:

* Authorize DOH to amend certain existing contracts that implement actions recommended by the MRT without a competitive bid or request for proposal process;

* Eliminate provider prevails provisions related to prior authorization requirements for certain prescription drugs;

* Reduce the FFS pharmacy brand reimbursement rate from the

Average Wholesale Price (AWP) minus 17 percent to the AWP less 17.6 percent;

* Authorize the Commissioner to require pharmaceutical manufacturers to provide minimum supplemental rebates for drugs that are eligible for State public health plan reimbursement;

* Authorize reimbursement for individual psychotherapy services that are provided by licensed social workers for persons under the age of 21 and to a person requiring such services because of, or related to pregnancy or giving birth;

* Authorize up to \$15 million be used to fund health home infrastructure development;

* Authorize reimbursement for integrated mental health services, and/or alcoholism and substance abuse services, and/or physical health services, and/or services to persons with developmental disabilities when such services are provided at a single location or service site;

* Authorize DOH to post on their website Diagnosis Related Groups (DRGs) for inpatient detox;

* Authorize the Commissioner to update the base year of inpatient psychiatric services, other inpatient services, and Office of Alcoholism and Substance Abuse (OASAS) certified services;

* Authorize the exclusion of certain capital adjustments from the calculation of Managed Care Organization (MCO) default rates;

* Authorize the Commissioner to promulgate regulations for the establishment of capital reimbursement methodologies for specialty inpatient and outpatient services;

* Authorize the Commissioner of Health and the Commissioner of Labor to establish rates of pay for nursing home personnel,

and mandate that managed care contracts with nursing homes

include such rates of pay;

- * Transfer rate setting for CHP from DFS to DOH;
- * Require counties to use enrollment broker services for mandatory managed care and MLTC;
- * Authorize the Commissioner to establish capital reimbursement methodologies for nursing homes through regulation;
- * Reallocate \$30 million from the Nursing Home financially disadvantaged program to the VAP/Safety Net program;
- * Eliminate the cap (75) on the number of managed long-term care plans that may be authorized by the Commissioner; and
- * Require responsible relatives with sufficient income and resources to provide medical assistance unless the resources are not available because the relative is absent and the refusal or failure of such absent relative to provide the necessary care and assistance (Spousal Refusal).
- * The Senate modifies the proposals to:
 - o Extend the 2% Medicaid across the board rate reduction as well as the Commissioner's "super power" in the event that the Global Cap is pierced by:
 - * Restoring the 2% reduction effective February 15, 2014;
 - * Adjusting the cap to exclude natural disaster and waiver spending;
 - * Including legislative oversight if cap is pierced; and
 - * Requiring additional information on cap expenditures in the monthly reports.
 - o Permanently eliminate the trend factor for Hospitals, Nursing Homes, Home Care and other providers of services reimbursed by Medicaid by reinstating the trend factor effective April 1, 2014.
 - o Conform the New York State False Claims Act to Federal Requirements by clarifying provisions to more appropriately conform with federal law.

- o Merge the Pharmacy and Therapeutics Committee (P&TC) into the Drug Utilization Board (DUR) and modify the public notification requirements for recommendations developed by the DUR board by rejecting the modification to public notifications; and requiring all rebates to be settled at one time.
- o Authorize DOH to deny prior authorization of an opioid analgesic in excess of four prescriptions in a 30 day period if DOH determines that the additional prescription is not medically necessary by removing DOH authority to determine what is "medically necessary."
- o Authorize the Commissioner to develop a pricing methodology for specialty nursing homes by expiring the Commissioner's authority after three years.
- o Establish Development Disability Individual Support and Care Coordination Organizations (DISCOS) to provide managed care to developmentally disabled Medicaid enrollees ensuring services provided will facilitate independent and integrated living for individuals with developmental disabilities.
- o Broaden the definition of Special Needs Programs (SNPs) to permit other models pursuant to federal waivers; place SNPs under the definition of Medicaid "managed care program" for reimbursement purposes; and allow SNPs to provide comprehensive services under a fully capitated model to individuals previously excluded or exempted from Medicaid managed care by implementing quality control measures and permitting legislative oversight.

* Part B: The Senate modifies the Executive's proposal to extend or permanently extend previously enacted Medicaid savings initiatives by denying all proposals that would be permanently extended or eliminated. The Senate extends authorization for each initiative based on the length of the previous extension.

* Part C: The Senate modifies the Executive's proposal to provide DOH

with regulatory authority to revise the current Indigent Care Pool (ICP) program by distributing funds based on uncompensated care amounts by:

- o Limiting the maximum reduction a hospital can receive under the new methodology to 2.5 percent in year one, 5 percent in year two, and 7.5 percent in year three, based on the prior three year average distributions; and
- o Adjusting payments to voluntary teaching hospitals to account for payment losses due to an error in the current formula.

* Part D: The Senate modifies the Executive's proposal to implement changes to Medicaid and the New York State Health Exchange associated with the federal Affordable Care Act (ACA) as follows:

- o Deny any proposals that expand New York law beyond what is required under the ACA;
- o Define "benchmark coverage" as Healthy NY;
- o Make the elimination of the Family Health Plus program contingent upon full implementation of the ACA and the enrollment center;
- o Deny DOH the authority to modify existing contracts to comply with the ACA;
- o Require DOH to report to the Legislature on progression of implementation of the health benefit exchange, state enrollment center, and state Medicaid enrollment center;
- o Ensure that navigators do not sell, solicit, or negotiate insurance;
- o Require navigators to comply with the fiduciary duty and be subject to the same statutory rules and penalties as brokers and agents with regard to misrepresentations relating to insurance products;
- o Deny requiring Health Maintenance Organizations to offer products outside the health benefit exchange for the purpose of access for undocumented individuals; and

o Deny requiring Professional Employer Organizations (PEOs) to rate separately for individuals, individual proprietors, and small group employers.

* PART E: Public Health

o The Senate denies the Executive proposals that would:

* Make reforms to the EI screening process and modify insurance coverage and participation;

* Restructure health care program funding by establishing the "Outcome Based Contracting and Outcome Based Health Planning" program;

* Authorize temporary operators of facilities, including general hospitals, diagnostic and treatment centers, and adult care facilities.

o The Senate denies, without prejudice, the consolidation of Emergency Medical Services (EMS).

o The Senate modifies the following Executive proposals:

* Limit the number of excess medical malpractice policies by maintaining the current limitations on the pool, as enacted under the SFY 2012-13 budget.

* Reform the General Public Health Work program by requiring counties to "substantially" provide core services, and continuing to authorize State aid claims for primary prevent services for children under the age of 21 and fringe expenses of contractors.

* Authorize diagnostic and treatment centers to operate in retail settings (limited retail service clinics) by expanding the authorization to hospitals.

* Establish a pilot program to facilitate capital investment in health care facilities by expanding the maximum number of pilot programs from two to ten, and prohibiting participation by publically traded organizations.

* Make changes to the Certificate of Need process related to the approval of establishment and construction of health care facilities.

* Implement scope of practice changes by denying expansions for home health aides and eliminating written practice agreement and protocols for nurse practitioners providing primary care services.

The Senate advances legislation to:

* Prohibit DOH from subjecting facilities to penalties and interest for recoupments related to rate reductions;

* Establish the "home care stabilization act";

* Clarify retail pharmacy and mail order pharmacy under managed care;

* Establish a home and community based care work group to examine continuity of care, regulatory guidance, quality assurance and care delivery;

* Provide Medicaid reimbursement to general hospitals for total hip or knee joint replacement cases;

* Require the Commissioner of DOH to report to the Legislature on progress and preparedness of the health care benefit exchange;

* Require the Commissioner of DOH to report to the Legislature annually on activities, goals, and missions;

* Extend the date by which DOH must contract with and utilize a fiscal agent for the EI program;

* Establish a broad-scale systems integration demonstration program to study cost savings achieved through providing dental, health, behavioral health, employment, and social services intervention within a managed care model in a rural setting;

* Require newborn testing for ADL;

- * Provide critical access hospitals with a reimbursement enhancement for outpatient services;
- * Require that five and six tenths percent of the monies collected by the mandatory surcharges imposed on motor vehicle violations be allocated to the Spinal Cord Injury Research Trust Fund;
- * Establish a health technology assessment committee;
- * Authorize local social services districts to conduct Medicaid provider investigations;
- * Conduct an oversight audit, review, and evaluation of the Office of the Medicaid Inspector General;
- * Provide that counties and the City of New York will receive 100 percent of the local share of recoveries from the prosecution of Medicaid fraud by localities;

- * Establish a Medicaid identification and anti-fraud biometric technology pilot program;
- * Require any remaining Health Care Efficiency and Affordability Law of New Yorkers (HEAL-NY) funds be allocated subject to an appropriation;
- * Require any federal funds received by the State associated with a Medicaid 1115 waiver be allocated subject to an appropriation;
- * Accelerate the State takeover of the local growth of Medicaid;
- * Ensure that each person with a serious mental illness has an opportunity to make an informed decision with regard to housing and treatment options that are both appropriate and integrated;
- * Establish a required methodology for calculating health insurance out-of-network reimbursement for health care service. Includes transparency and disclosure provisions, and provisions to establish patient protections with regard to

billing for emergency room services.

- * Address anti-trust concerns of NuHealth; and
- * Establish a moratorium on retroactive rate adjustments.

HIGHER EDUCATION SERVICES CORPORATION (HESC)

State Operations (S.2600-C)

- * The Senate concurs with the Executive's recommendation of \$87,804,000.

Aid to Localities (S.2603-C)

- * The Senate concurs with the Executive's recommendation of \$1,046,018,000.

Article VII (S.2607-C)

- * PART Y: The Senate advances language to establish a Student Loan Linked Deposit Program.

HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF

State Operations (S.2600-C)

- * The Senate concurs with the Executive recommendation of \$65.6 million.

Aid to Localities (S.2603-C)

- * The Senate concurs with the Executive recommendation of \$13.7 billion, with the following modifications:
 - o The Senate restores \$9.3 million for local Public Safety Answering Points (PSAPs) from the Statewide Public Safety Communications Account.
 - o The Senate recommends a reduction of \$65 million in spending authority for the Interoperable Communications Grant Program to

align appropriations with spending.

Article VII Proposals (S.2605-C)

* Part Q: The Senate concurs with the Executive's proposal to include school districts and Boards of Cooperative Educational Services (BOCES) as participants within the Intrastate Mutual Aid Program (IMAP), in short-term immediate disaster response operations.

* Part V: The Senate concurs with the Executive proposal to provide immunity from liability to mobile carriers when issuing an emergency alert.

* Part EE: The Senate advances legislation to clarify that counties that are not eligible for grants due to unconsolidated Public Safety Answering Points (PSAPs) are eligible to be reimbursed for operating expenses relating to local PSAP operations.

* Part FF: The Senate advances language that requires Federal Emergency Management Assistance and Community Block Grant reporting for federal disaster relief aid programs. This language would also require an agreed upon deliberative and responsive process for public input and inquiry for federal disaster relief aid in order to meet the critical needs of all citizens impacted by Superstorm Sandy, Hurricane Irene and Tropical Storm Lee.

HOUSING AND COMMUNITY RENEWAL

State Operations (S.2600-C)

* The Senate modifies the Executive's All Funds recommendation of \$93.75 million, an increase of \$856,000 or 0.92 percent from SFY 2012-13 levels as follows:

o The Senate denies the \$5.8 million increase for the OHP Rent Administration Program - Tenant Protection Unit.

Aid To Localities (S.2603-C)

* The Senate modifies the Executive's All Funds recommendation of \$89.4 million, a decrease of \$56.4 million or 36.68 percent from SFY 2012-13 levels as follows:

* The Senate restores and adds funding to the Neighborhood Preservation and Rural Preservation Programs, and allocates the following appropriations:

- o \$11.5 million for the Neighborhood Preservation Program; and
- o \$4.8 million for the Rural Preservation Program.

* The Senate provides \$20.4 million for the Rural Rental Assistance Program.

* The Senate adds \$3 million for the Main Street Program.

Capital Projects (S.2604-C)

* The Senate modifies the Executive's All Funds recommendation of \$74.2 million, consistent with SFY 2011-12 levels as follows:

* The Senate adds funding to the following Capital programs:

- o \$1 million, for a total of \$2 million, for the Access to Home Program; and
 - o \$600,000, for a total of \$1 million, for the RESTORE program;
- and
- o \$500,000 for the Adirondack Community Housing Trust.

Article VII Proposals (S.2607-C)

* PART F: The Senate denies the Executive proposal to transfer administration of the Homeless Housing Assistance Program (HHAP) from the Office of Temporary and Disability Assistance to the Division of Housing and Community Renewal.

* PART K: The Senate denies the Executive proposal to merge and reform the Neighborhood and Rural Preservation Programs (N/RPP) into a single, performance based program.

* PART L: The Senate denies the Executive proposal to modernize the

investment powers of the State of New York Mortgage Agency and the Housing Finance Agency.

* PART M: The Senate modifies the Executive proposal to utilize excess Mortgage Insurance Fund reserves and transfers:

- o \$211.7 million to the General Fund;

- o \$4.5 million to the Housing Finance Agency for the purposes of reimbursing any costs associated with Mitchell Lama housing projects;

- o \$10 million for the purposes of reimbursing any costs associated with the Rural and Urban Community Investment Fund Program.

* PART U: The Senate provides language to create a Rural and Urban Community Investment Fund Program for the preservation and/or improvement of affordable housing, and the creation, preservation or improvement of the commercial, retail or community facilities component of mixed-use affordable residential developments in rural and urban areas of the state.

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$185,000.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$136,000.

INDIGENT LEGAL SERVICES, OFFICE OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$1.5 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$77 million and restores:

- o \$4 million in additional funding for indigent defense services for upstate counties that have a high volume of indigent defense caseloads.

INFORMATION TECHNOLOGY SERVICES, OFFICE OF

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$55,000,000 to:
o Deny \$5.8 million for 55 additional full time equivalent positions.

Article VII Proposal (S.2605-C)

* PART N: The Senate accepts the transfer of the functions of the Office of Cyber Security to the Office of Information and Technology Services (ITS) from the Division of Homeland Security and Emergency Services and other provisions related to the transfer of employees to ITS.

INSPECTOR GENERAL, OFFICE OF THE STATE

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$8,056,000 to:
o Deny the proposed merger of the Office of the Welfare Inspector General into the Office of the State Inspector General.
o Deny \$420,000 related to the transfer of four full time equivalent positions.

Article VII Proposal (S.2607-C):

* PART I: The Senate denies the Executive Proposal to merge the Office

of the Welfare Inspector General into the Office of the State Inspector General.

INSURANCE AND SECURITIES FUNDS RESERVE GUARANTEE

State Operations (S.2600-C)

* The Senate concurs with the Executive's proposed appropriation level of \$

INTEREST ON LAWYERS ACCOUNT

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$1.8 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$45 million.

JUDICIARY

Legislative and Judiciary (S.2601-C)

* The Senate concurs with the Executive recommendation of \$1.75 billion, however redirects funding from Judiciary-wide maintenance undistributed as follows:

- o \$1,500,000 to Courts of Original Jurisdiction to restore funding for Court Appointed Special Advocates; and
- o \$150,000 to Courts of Original Jurisdiction to restore funding to Community Dispute Resolution Centers.

Legislative and Judiciary (S.2605-C)

* The Senate concurs with the Executive recommendation of \$102,377,495.

JUDICIAL CONDUCT, COMMISSION ON

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$5,384,000.

JUDICIAL NOMINATION, COMMISSION ON

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$30,000.

JUDICIAL SCREENING COMMITTEES

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$38,000.

JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS.

State Operations (S.2600-C)

* The Senate denies \$742,000 in nonpersonal service costs.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive's proposal of \$487,000.

LABOR, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$741,881,000.

Aid to Localities (S.2603-C)

* The Senate amends the Executive recommendation of \$5,613,278,000 to restore:

- o \$750,000 for the Chamber On-the-Job training program;
 - o \$155,000 for the New York Council on Occupational Safety and Health (NYCOSH) located on Long Island;
 - o \$200,000 for the Building Trades Pre-Apprenticeship Program (BTPAP) located in Rochester;
 - o \$50,000 for the Rochester tooling and machining Institute, Inc.;
 - o \$100,000 for Hillside Works Inc.;
 - o \$250,000 for the Summer of Opportunity Youth Employment Program - Rochester;
 - o \$300,000 for Project RISE - Referral, Information, Services, Employment;
 - o \$2,295,000 for the New York State American Federation of Labor and Congress of Industrial Organization (AFL-CIO) Workforce Development Institute (WDI);
- * The Senate provides additional funding for the following:
- o \$200,000 in additional funding for the Building Trades Pre-Apprenticeship Program (BTPAP) located in Western New York;
 - o \$2,305,000 in additional funding for the New York State American Federation of Labor and Congress of Industrial Organization (AFL-CIO) Workforce Development Institute (WDI);
 - o \$150,000 for the American Federation of Labor and Congress of Industrial Organization (AFL-CIO) Cornell Leadership Institute;
- and,
- o \$150,000 for the Domestic Violence Program of the Cornell University Labor Extension School in partnership with the American Federation of Labor and Congress of Industrial Organization (AFL-CIO)

Article VII Proposal (S.2607-C):

* PART N: The Senate concurs with the Executive proposal to transfer the State Data Center from the Department of Economic Development to the Department of Labor

* PART O: The Senate concurs with the Executive proposal to reform the Unemployment Insurance Benefit System

* PART P: The Senate will consider modifications to the Executive proposal to increase the minimum wage. Like wages for many workers, the minimum wage has not kept up with the pace of inflation. The Senate will consider phasing in any minimum wage increase over three years beginning in 2013. The Senate believes that any discussions on an increase in the minimum wage must consider: (i) the impact on workers and business' ability to maintain and create jobs; (ii) the total compensation of employees; (iii) wages authorized under the Fair Labor Standards Act and the impact on the youth employment rate, and; (iv) the overall impact on New York's economy. The Senate's goal of creating vibrant and expanding opportunities for families requires that the State enact measures to provide all New Yorkers the ability to find meaningful and financially viable employment and work together to ensure a more stable and prosperous New York.

* PART Q: The Senate denies the Executive proposal to reform interest arbitration and accepts the extension of current provisions which are due to expire July 1, 2013.

* PART Z: The Senate proposes to extend the current Self Employment Assistance Program (SEAP) while modifying the program to more efficiently serve those individuals who seek to establish their own business

LABOR MANAGEMENT COMMITTEES

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$31.2 million.

LAW, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$220,641,000.

LIEUTENANT GOVERNOR, OFFICE OF THE

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$630,000.

LOCAL GOVERNMENT ASSISTANCE

Aid To Localities (S2603-C)

* The Senate amends the Executive's proposed Aid and Incentives for Municipalities (AIM) program as follows:

- o Reduce Base AIM for the City of Niagara Falls by \$2.3 million;
- o Provide \$102,473 in additional base level grants to the following villages who do not currently receive base level AIM:

Mastic Beach (\$55,599)

Sagaponack (\$1,105)

South Blooming Grove (\$18,969)

Woodbury (\$26,802);

- o Provide \$20.2 million for an Enhanced AIM, excluding New York City, which shall be distributed on a \$1.80 per capita basis.

Town populations shall exclude the population of any incorporated villages within such town's borders. If a town and village are coterminous, the exclusion shall not apply and AIM will be divided equally amongst the village and town.

- o Amend to consolidate the \$40 million Local Government Performance and Efficiency Grant and the \$4 million Local Government Efficiency Grant program into one \$44 million Local Government

Efficiency Grant program.

* The Senate amends the Executive's proposal for the Aid to Municipalities with Video Lottery Gaming Facilities Program by adding \$7.2 million. This increase restores funding to SFY 2008- 09 levels.

* The Senate amends the Executive's proposal for Miscellaneous Financial Assistance by \$1.96 million, as follows:

- o \$980,000 increase to Madison County
- o \$980,000 increase to Oneida County

Miscellaneous Appropriation

* The Senate adds \$6 million for the reimbursement of New York City Off-Track Betting Retiree Health Benefits.

Article VII Proposal (S.2605-C)

* PART K: The Senate amends the Executive proposal to modify the Local Government Citizens Re-organization and Empowerment Grant Program and the Local Government Efficiency Grant Program. The Senate proposal would increase transparency and eligibility for applicants of such grants by including language to provide a cure period for deficient grant applications, provide expanded consideration of applications, and required notice to local governments for final decisions related to grant or denial of such application. Additionally, the Senate includes language to require additional considerations for studies under such grant programs. Lastly, the Senate consolidates the Local Government Efficiency Grant Program and the Local Government Performance and Efficiency Program in order to streamline the application.

* PART L: The Senate amends the Governor's proposal related to the elimination of burdensome reporting requirements imposed on school districts and local governments. The Senate modifies the proposal to require that each state agency and authority report to the Legislature and the Governor regarding all reports that such agencies and

authorities receive from such local governments and recommendations as to which reports can be eliminated. Additionally, recommendations can be made for greater efficiencies in the reporting process.

* PART M: The Senate amends the Governor's proposal to increase the \$2.5 million dollar loan for the City of Salamanca's CFY 2012-13 budget to \$5 million.

* PART T: The Senate amends the Governor's proposal to increase the Albany South Mall PILOT payment in SFY 2013-2014 by \$7.85 million and decrease the SFY 2031-2032 PILOT payment. The Senate reduces the SFY 2013-2014 PILOT to \$2.5 million and correspondingly modifies the SFY 2013-2014 PILOT decrease.

* PART W: The Senate proposes legislation to reimburse New York City for costs associated with providing New York City Off Track Betting retirees with health benefits.

* PART CC: The Senate provides a new provision to authorize funding for four villages that are currently ineligible for AIM, including Mastic Beach, South Blooming Grove, Sagaponack, and Woodbury.

* PART DD: The Senate provides an amendment to section 54-l of the State Finance Law in order to restore Host Community Video Lottery Aid at SFY 2008-2009 levels.

* PART HH: The Senate provides modifications and extensions to Chapter 401 of the Laws of 2002 related to the assessment administration and review procedures within the County of Nassau.

MEDICAID INSPECTOR GENERAL, OFFICE OF THE

State Operations (S.2600-C)

* The Senate concurs with the Executive's recommendation of \$66.5 million.

MENTAL HYGIENE

State Operations (S.2600-C) and Capital Projects (S.2604-C)

* The Senate denies without prejudice, appropriation language which notwithstanding a licensure exemption for social workers, mental health practitioners and psychologists working in certain exempt settings. (See Higher Education Part W, S. 2607-C).

MENTAL HEALTH, OFFICE OF

State Operations (S.2600-C)

* The Senate denies the Executive's proposal for psychiatric center closures, mergers and/or consolidations; and restores \$12 million for this purpose;

* The Senate denies \$16.8 million in nonpersonal service funding.

Aid to Localities (S.2603-C)

* The Senate modifies the Executive's proposal and restores funding as follows:

- o \$100,000 for the North Country Behavioral Healthcare network.
- o \$3 million for veteran mental health programs; and
- o \$2 million for community mental hygiene services and expenses of contracts with municipalities, educational institutions and/or not-for-profit agencies.

* The Senate proposes savings from the delay of the implementation of various initiatives.

* The Senate denies \$5 million in community reinvestment funding associated with the closure, merger and/or consolidation of psychiatric centers.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's proposal of \$197 million.

Article VII Proposal(S.2606-C)

* Part F: Modifies the Executive's proposal to prohibit fee increases as a result of expanding the Methadone registry to include accurate dosage information and disaster and facilitating disaster management.

* Part H: Denies the Executive's proposal to permanently authorize the Office of Mental health to close facilities. Requires OMH to submit a long-term plan to the Legislature on the infrastructure of the inpatient and outpatient service delivery system for mental health.

* Part I: Modifies the Executive's proposal to permanently authorize recovery of Exempt Income to allow for such recoveries for one year.

* Part J: Denies the Executive's proposal to allow the Office of Mental Health's appointing authority to reside solely with the Commissioner.

* Part K: Concurs with the Executive's proposal to make technical amendments to the Sex Offender Management Treatment Act.

* Part L: Modifies the Executive's proposal to create mental health incident review panels to:

- o Allow a local government unit to request the establishment of a Panel;
- o Require that final reports of a review panel be submitted to the Temporary President of the Senate and the Speaker of the Assembly within fifteen days; and
- o Require the annual cumulative report to the Governor and the Legislature to include a summary of the findings and recommendations by review panel members, measures that have been implemented, and a description of the impact of such implementations.

* Part M: Modify the Executive's proposal to eliminate redundant reports by the Office of Mental Health and the Office of Persons with Developmental Disabilities by amending the Office of Mental Health five-year plan to include descriptions of community support and emergency services, (which shall include comprehensive psychiatric emergency programs).

* Part N: Concurs with the Executive's proposal to defer the human services Cost of Living Adjustment (COLA) for designated human services programs for the fiscal year, and extends the sunset one year to March 31, 2016.

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

State Operations (S.2600-C)

* The Senate denies \$1.1 million in nonpersonal service funding.

Aid to Localities (S.2603-C)

* The Senate modifies the Executive's proposal to specify that \$14.9 million of problem gambling and chemical dependency prevention and treatment services funding be directed to the New York City Board of Education.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's proposal of \$97.6 million.

PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR

State Operations (S.2600-C)

* The Senate denies \$16 million in nonpersonal service funding.

Aid to Localities (S.2603-C)

* The Senate denies the six percent rate reduction to non-state operated residential and non-residential developmental disability providers, and restores \$120 million for this purpose.

* The Senate modifies the Executive proposal to restore \$50,000 for the Epilepsy Foundation of Northeastern New York.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's proposal of \$197 million.

METROPOLITAN TRANSIT AUTHORITY

Capital Projects (S.2604-C)

* The Senate supports appropriating \$7 million to the MTA for costs associated with providing a Staten Island resident toll discount for crossing the Verrazano-Narrows Bridge.

* The Senate also supports appropriating \$7 million to the MTA to provide a toll discount to local, Richmond County commercial vehicles for crossing the Verrazano-Narrows Bridge.

MILITARY AND NAVAL AFFAIRS, DIVISION OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$75.7 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$900,000.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$39.2 million.

MORTGAGE AGENCY (SONYMA)

State Operations (S.2600-B)

* The Senate concurs with the Executive's All Funds recommendation of \$76.8 million.

Aid To Localities (S.2603-B)

* The Senate concurs with the Executive's All Funds recommendation of \$97.05 million, an increase of \$5.4 million or 3.2 percent from SFY 2012-13 levels.

MOTOR VEHICLES, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate concurs with the Executive proposal of \$123.5 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive proposal of \$20.8 million.

Capital Projects (S.2604-C)

* The Senate supports the Executive's proposal of \$205.7 million to establish the Customer Service Initiative to improve customer service and reduce wait times.

Article VII Proposals (S.2608-C)

* PART D: The Senate concurs with the Executive to allow the Department of Motor Vehicles to serve the public on Saturdays as part of the Customer Service Initiative.

* PART U: The Senate directs the Department of Motor vehicles to conduct a criminal background check on all bus drivers before issuing a commercial driver's license.

NATIONAL AND COMMUNITY SERVICE

State Operations (S.2600-C)

* The Senate concurs with the Executive Budget recommendation of \$30.33 million.

Aid To Localities (S.2603-C)

* The Senate concurs with the Executive Budget recommendation of \$350,000.

POWER AUTHORITY ASSET TRANSFER

OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of funding support for the Olympic Regional Development Authority \$5,417,000.

PARKS, RECREATION AND HISTORIC PRESERVATION

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$224.3 million.

Aid to Localities (S.2603-C)

* The Senate provides an increase of \$1.1 million for snowmobile trail development, maintenance, and safety efforts resulting in a \$12.8 million funding level.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive recommendation of \$106.2 million for capital projects.

PREVENTION OF DOMESTIC VIOLENCE, OFFICE OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$3.7 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$1.2 million.

PUBLIC EMPLOYMENT RELATIONS BOARD

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$3,984,000.

PUBLIC ETHICS, JOINT COMMISSION ON

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$4,931,000 to:
o Deny \$931,000 for 8 additional full time equivalent positions.

PUBLIC SERVICE

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$79,892,000.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive recommendation of \$6,750,000.

Article VII Proposal (S.2605-C)

* PART M: The Senate concurs with the Executive's proposal to authorize the Department of Health to finance certain activities with revenues generated from an assessment on cable television companies.

* PART N: The Senate denies the Executive proposal to extend, for five years, the Temporary State Energy and Utility Service Conservation Assessment under Public Service Law 18-a and allows the assessment to expire as scheduled on March 31, 2014. In addition, the Senate advances language that would finance the activities of the Depart-

ment of Public Service at one-third of one percent of utilities'

gross revenues consistent with the amount of such assessment before enactment of the Temporary Assessment in 2009.

* PART O: The Senate denies, without prejudice, the Executive proposal to implement the recommendations of the Moreland Commission to date on storm preparedness and response due to the number and complexity of the issues the bill raises. The State must balance the need to assure safe and adequate service to all utility ratepayers in New York while refraining from over-regulating the affected industries and their respective employees to the point that the efficient and cost sensitive delivery of these essential services is compromised. To address operational and structural impediments utilities experienced during their response to Superstorm Sandy, the Senate proposes that the PSC immediately review all current electric emergency plans to determine the adequacy of such plans including, appropriate safety precautions regarding electrical hazards such as downed wires and

whether electric corporations have appropriate measures in place to disconnect electrical service, to the extent feasible, within thirty-six hours of notification from an emergency management director. In addition, the Senate recognizes the need to ensure appropriate corrective action be taken. The Senate recognizes the extreme importance to the citizens of New York in finding the best resolution of these concerns at the most proximate pace, and urges an intensive effort designed to reach a measured and effective solution to the issues of storm preparedness and response immediately after the adoption of the SFY 2013-14 budget.

* PART EE: The Senate advances language to eliminate the requirement that telephone corporations file tariffs for their competitive retail services with the Public Service Commission, and instead allow them to market their products in the same manner as wireless and cable telephone services.

* PART GG: The Senate advances language to establish a Northern New York Power Proceeds Allocation Board, similar to the Western New York Power Proceeds Allocation Board adopted in last year's budget, to allow unallocated power from the FDR hydropower facility in Massena to be monetized and used for economic development purposes within the local region.

* PART II: The Senate advances language to allow the New York Power Authority to issue revenue backed bonds to electric generators seeking to upgrade existing power plants conforming to the procedures in the new streamlined Article X. This financing would aid the construction of the cleanest and most efficient state-of-the-art power plants in the country.

QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES, COMMISSION ON

State Operations (S.2600-C)

* The Senate concurs with the Executive proposal of \$10.9 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive proposal of \$10,745,000.

GAMING COMMISSION

State Operations (S.2600-C)

* The Senate amends the Executive's recommendations as follows:

- o Advance \$750,000 to the Regulation of Racing Account for the purpose of Racing Fan Development.
- o Deny the \$3.5 million transfer from the Regulation of Indian Gaming Account to the Regulation of Racing Account.

Article VII Proposal (S.2605-C)

* PART I: The Senate concurs with the Executive proposal to create a New York State Gaming Commission Account in State Finance Law.

* PART J: The Senate amends the Executive proposal in relation to racehorse safety to additionally redirect:

- o \$1.5 million of thoroughbred purse money to a jockey organization to fund jockey health and pension benefits; and

- o \$750,000 of all purse money to the Regulation of Racing Account for Race Fan Development.

- o Annual reports to the legislature shall be required to disclose the manner in which funds are spent.

Article VII Proposal (S.2607-C)

* PART R: The Senate denies without prejudice the Executive proposal to authorize three casinos in Upstate New York. Specific enabling legislation authorizing casino gaming should be enacted prior to the second passage of the constitutional amendment. The Senate supports the labor peace agreement requirements for casino construction as proposed by the Executive.

Article VII Proposal (S.2607-C)

* PART QQ: The Senate advances an Off-Track Betting (OTB) Mandate Relief proposal to do the following:

- o Reduces OTB dark day and maintenance of effort payments made to regional harness tracks by 50 percent;

- o Allows OTBs to retain any un-cashed pari-mutuel tickets to be used for corporate purposes;

- o Reduces the geographic area of consent needed by a New York State race track from 40 to 10 miles and eliminates the consent needed for Nassau County Regional OTB to establish fast track or easy bet locations; and

- o Requires any regional OTB with a capital acquisition fund balance greater than \$5 million to disburse any monies in excess of \$5

million to the participating Counties within the OTB region.

RACING REFORM PROGRAM

State Operations (S.2600-C)

* The Senate concurs with the Executive's proposed re-appropriation level of \$2 million, no change from SFY 2012-13.

ROCKLAND BERGEN BI-STATE RIVER COMMISSION

State Operations (S.2600-C)

* The Senate amends the Executive recommendation by including \$150,000 for the Rockland Bergen Bi-State River Commission.

Article VII Proposal (S.2608-C)

* The Senate advances language to create the Rockland Bergen Bi-State River Commission. New York and New Jersey will jointly identify and remediate potential flood hazards within an identified regional area.

STATE, DEPARTMENT OF

State Operations (S.2600-C)

* The Senate denies the addition of 22 FTE's to the Business and Licensing SRO and 8 FTE's to the Local Government and Community Services Program, reducing the Executive's proposal of \$71.4 million to \$69.1 million.

Aid to Localities (S.2603-C)

* The Senate concurs with the Executive proposal of \$65.3 million.

Capital Projects (S.2604-C)

* The Senate concurs with the Executive proposal of \$10 million

Article VII Proposals (S.2608-C)

* PART P: The Senate concurs with the Executive to extend for one year the authority of the Secretary of State to charge increased fees for expedited handling of documents.

* PART Q: The Senate denies without prejudice the Executive's amendments to the Not-for-Profit Corporation Law, and remains committed to reforming and streamlining non-profit laws and incorporation through a comprehensive dialogue post-Budget.

* PART Z: The Senate requires that not-for-profits that do work for the State are entitled to prompt payment from the State, and interest on late payments from the due date.

The Senate believes it is necessary to protect the public health and safety by ensuring only qualified persons and firms are involved in mold remediation. The Senate proposes requiring the Department of State to review and adopt necessary standards to ensure contractors properly remediate mold during home and business construction, repair and renovation and establish, if necessary, licensure standards that include appropriate minimum competency and practice requirements.

STATE POLICE, DIVISION OF

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$674 million, except as follows:

o The Senate denies the Executive proposal to provide \$3.2 million in funding for personal service and contractual services related to the implementation of the New York Secure Ammunition and Firearms Enforcement Act (NY SAFE).

Capital Projects (S.2604-C)

* The Senate denies \$32.7 million in capital funding related to the development of a pistol permit database.

STATE UNIVERSITY OF NEW YORK (SUNY)

State Operations (S.2600-C)

* The Senate amends the Executive proposal to restore a \$27.8 million subsidy to the SUNY Hospitals.

Aid to Localities (S.2603-C)

* The Senate amends the Executive proposal for community college base aid to increase full-time equivalent (FTE) funding by \$150. Under the Senate proposal, Base aid would be \$2,422 per FTE for a total of \$21.5 million.

* The Senate denies the Executive proposal to make \$3 million in program incentive fund awards to SUNY community colleges.

* The Senate includes \$5,600,000 in funding to reimburse counties for upper division charge back costs at the Fashion Institute of Technology.

* The Senate adds \$1.9 million for SUNY community college workforce development.

* The Senate restores \$653,000 for SUNY community college childcare centers.

* The Senate restores \$300,000 for the Harvest New York program.

Capital Projects (S.2604-C)

* The Senate encourages the development of a new five-year capital plan to fund critical maintenance projects and strategic initiatives at the State University of New York.

Article VII (S.2607-C)

* PART B: The Senate accepts the Executive proposal to establish a new financing structure for the SUNY Residence Hall program.

* PART D: The Senate denies the Executive proposal to create the Next Generation New York Job Linkage program.

* PART T: The Senate advances language to authorize the formation of community college regions for the purpose of sponsoring a community college operating as part of SUNY, and authorize the transfer of a community college with a sole sponsor to that community college region.

* PART V: The Senate advances language to codify several recommendations from the chargeback report submitted pursuant to chapter 57 of the laws of 2012. The language also eliminates the ability of counties to charge back towns for upper division courses at the Fashion Institute of Technology.

* PART AA: The Senate advances language directing SUNY to establish a remedial education plan and program, modeled after CUNY's Accelerated Study in Associate Programs. The language directs SUNY to fully implement this program by academic year 2016-2017.

* PART II (S. 2609-C): The Senate advances language to exempt community colleges from the MTA payroll tax.

* The Senate recommends exploring the impact of the property tax cap on the local share of community college capital funding.

STATEWIDE FINANCIAL SYSTEM

State Operations (S.2600-C)

* The Senate amends the Executive recommendation of \$55 million to:

- o Deny \$3.2 million for 30 additional full time equivalent positions.

TAX APPEALS

State Operations (S.2600-C)

* The Senate concurs with the Executive's proposed appropriation level of \$3.1 million, no change from SFY 2012-13.

TAXATION AND FINANCE

State Operations (S.2600-C)

* The Senate denies \$9.1 million for 200 additional auditors

* The Senate modifies the Executive's proposed Revenue Processing and Reconciliation Program level by reducing the program \$420,000 for cost associated with the transferring of 4 additional FTEs.

Aid To Localities (S2603-C)

* The Senate concurs with the Executive's proposed appropriation level of \$928,000, no change from SFY 2012-13.

TEMPORARY AND DISABILITY ASSISTANCE

State Operations (S.2600-C)

* The Senate concurs with the Executive's All Funds Recommendation of \$448.63 million, a decrease of \$20.5 million or 4.38 percent from SFY 2012-13 levels.

Aid To Localities (S.2603-C)

* The Senate modifies the Executive's All Funds recommendation of \$5.23 billion, an increase of \$1.0 million or 0.02 percent from SFY 2012-13 levels, as follows:

* The Senate restores and/or adds funding to the following General Fund programs:

o Disability Advocacy Program, restore \$250,000 and add \$870,000, for a total of \$1.12 million.

* The Senate restores and/or adds funding for the following TANF programs:

- o ACCESS- Welfare to Careers, restores \$800,000 and adds \$200,000, for a total of \$1 million;
- o Child Care Facilitated Enrollment, restores \$1.26 million and adds \$2.73 million, for a total of \$4 million;
- o Displaced Homemakers, restores \$546,000 and adds \$1.9 million, for a total of \$2.5 million;
- o Legal Services for the Elderly or Disadvantaged of Western New York, adds \$40,000;
- o Non-Residential Domestic Violence, restores \$1.2 million and adds \$1.8 million, for a total of \$3 million;
- o Nurse Family Partnerships: restores \$2 million and adds \$2 million, for a total of \$4 million; and
- o Wage Subsidy Program: restores \$950,000.

Capital Projects (S.2604-C)

* The Senate denies the Executive proposal to transfer administration of the Homeless Housing Assistance Program (HHAP) from the Office of Temporary and Disability Assistance to the Division of Housing and Community Renewal and provides an All Funds Recommendation of \$30 million, consistent with SFY 2012-13 levels.

Article VII Proposals (S.2607-C)

* PART E: The Senate accepts the Executive's proposal to authorize the Supplemental SSI Federal COLA pass-through.

* PART F: The Senate denies the Executive's proposal to transfer the administration of the Homeless Housing and Assistance Program from the Office of Temporary and Disability Assistance to the Division of Housing and Community Renewal.

THRUWAY AUTHORITY

Capital Projects (S.2604-C)

* The Senate concurs with the Executive's proposal to allocate \$2 million in capital funds to the Canal Corporation's revenue collection pass-through account.

* The Senate modifies the Executive proposal to establish an annual State Assistance package for the Thruway Authority in the amount of \$84 million. The Senate introduces language to transfer the Canal Corporation from the Thruway to the Department of Transportation in an effort to assist the Thruway and avoid toll increases. This transfer would occur over a two-year period. See Department of Transportation Article VII Part DD.

TRANSPORTATION, DEPARTMENT OF

Aid to Localities (S.2603-C)

* The Senate denies the Executive proposal to transfer \$20 million from the Mass Transportation Operating Assistance (MTOA) account to pay debt service on MTA service contract bonds.

* The Senate accepts the Executive proposal to include \$3.9 million to reimburse the Metropolitan Transportation Authority (MTA) for suspending tolls on the Rockaway Bridges after Superstorm Sandy.

State Operations (S.2600-C)

* The Senate accepts the Executive proposal of \$36 million.

Capital Projects (S.2604-C)

* The Senate accepts the Executive's proposed spending level of an additional \$400 million in Transportation Capital funding, for a total transportation capital spending level of \$3.6 billion, with the following modifications.

- o \$100 million for the Core Road and Bridge program
- o \$100 million for an increase to CHIPS

- o \$16 million to upstate transit to be distributed equitably. This is a 9.4% increase over last year, and is commensurate with the 9.4% increase to downstate transit in the Executive proposal.
- o \$15 million for the AIR99 Aviation program
- o \$10 million dedicated to freight rail
- o \$159 million dedicated to agreed upon Statewide transportation capital projects.

These initiatives will be paid for by reallocating a portion of the Executive's proposed \$300 million for New York Works spending, \$100 million of which was proposed to be allocated through the Economic Development Regional Councils. The Senate denies allocating transportation capital funds through the Regional Councils.

* The Senate adds \$4 million in Airport Improvement Funds, for a total of \$8 million. This funding pays the State share of Federal Aviation projects.

Article VII Proposals (S.2608-C)

* PART A: The Senate increases by \$100 million the Executive's proposed funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) for State fiscal year 2013-14. The Senate includes language to continue the practice of allowing for the use of certain resurfacing types to be permissible through the CHIPS program.

* Part B: The Senate concurs with the Executive to make permanent the distribution of the transmission tax between the upstate (PTOA) and downstate (MMTOA) transit accounts.

* PART C: The Senate concurs with the Executive regarding amending State law to comply with Federal Motor Carrier Safety Administration rules regarding cell phone use and texting by commercial motor vehicle operators.

* PART E: The Senate denies without prejudice the Executive's finan-

cial assistance package for the New York State Thruway Authority, and offers an alternative proposal to transfer the Canal Corporation from the Thruway Authority to the Department of Transportation.

* PART V: The Senate removes the current mandate that all permissible destinations be set forth in an attachment to the registration of farm vehicles.

* PART W: The Senate permits the Department of Environmental Conservation to set speed limits below 25 mph in parks within its jurisdiction.

* PART X: The State directs the transfer of permits for outdoor advertising in New York City from the New York City Department of Transportation to the State Department of Transportation and generates \$20 million in State revenues.

* PART Y: The Senate proposes changes to Chapter 496 of the Laws of 2009 related to driving while intoxicated and the installation of ignition interlock devices.

* PART AA: The Senate authorizes signs displayed on school buses to be constructed with reflective material, instead of being illuminated.

* PART DD: The Senate directs the transfer of the Canal Corporation from the Thruway Authority to the Department of Transportation.

* PART HH: The Senate directs the release of authorized \$19 million in transit capital funds for upstate transit systems to make up for flat operating funding.

* PART PP: The Senate amends the Executive proposal to permit the Department of Transportation to utilize design-build-finance contracts for infrastructure projects.

TRIBAL STATE COMPACT

Aid To Localities (S2603-C)

* The Senate accepts the Executive's proposed appropriation level of

\$50.8 million.

Article VII Proposals (S.2605-C)

* PART M: The Senate accepts the Executive's proposal to extend for three years the Tribal State Compact Revenue Accounts appropriation disbursement authority from March 31, 2013 to March 31, 2016

VETERANS' AFFAIRS

State Operations (S.2600-C)

* The Senate concurs with the Executive's All Funds recommendation of \$8.37 million, an increase of \$600,000 or 7.7 percent from SFY 2012-13 levels.

Aid To Localities (S.2603-C)

* The Senate modifies the Executive's All Funds recommendation of \$9.1 million, an increase of \$30,000 or 0.3 percent from SFY 2012-13 levels, and provides funding as follows:

- o \$25,000 for the Vietnam Veterans of America;
- o \$50,000 for the Buffalo Veterans Service Organization; and
- o \$75,000 for the New York City Veterans Service Organization.

* The Senate restores a \$500,000 reappropriation for a State Veterans Cemetery.

Article VII Proposals (S.2607-C)

* PART S: The Senate advances legislation related to the establishment of a State Veterans' Cemetery which would:

- o Establish a Veterans' Remembrance and Cemetery Maintenance and Operation Fund for collection of funds to go towards the maintenance and operation of a State Veterans' cemetery;
- o Create a "Gift for Honor and Remembrance of Veterans" tax check-off to allow for taxpayer contributions to the fund.

- o Authorize the Division of Veteran's Affairs to promulgate rules and regulations on establishing, implementing, and maintaining a State-operated Veterans Cemetery and make an application to any agency of the Federal Government necessary to do so.

VICTIM SERVICES, OFFICE OF

State Operations (S.2600-C)

- * The Senate concurs with the Executive recommendation of \$10.3 million.

Aid to Localities (S.2603-C)

- * The Senate concurs with the Executive recommendation of \$66 million.

WORKERS' COMPENSATION BOARD

State Operations (S.2600-C)

- * The Senate amends the Executive recommendation of \$203,227,000 to:
 - o Deny \$2.6 million for 25 additional full time equivalent positions.

Article VII Proposal (S.2605-C):

- * Part O: The Senate modifies the Executive proposal to the sweep of the State Insurance Fund and the administration of the runoff of the reopen case fund following its closure, but accepts the additional reforms proposed by the Executive to reform the workers compensation law.

Article VII Proposal (S.2607-C):

- * PART R: The Senate rejects the Executive proposal to exempt certain employees from the two year and lifetime ban requirements contained in the Public Officers Law

WORKERS' COMPENSATION RESERVE

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$14,400,000.

WELFARE INSPECTOR GENERAL

State Operations (S.2600-C)

* The Senate denies the Executive's proposal to merge the Office of the Welfare Inspector General into the Office of the State Inspector General and provides an All Funds recommendation of \$1.5 million, a decrease of \$39,000 or 2.5 percent from SFY 2012-13 levels.

MISCELLANEOUS ITEMS

Article VII Proposal (S.2607-C)

* PART C: The Senate modifies the Executive proposal to extend the Higher Education Capital Matching Grant Facilities program. The Senate proposal would eliminate the regional distribution of unallocated funds.

* PART W: The Senate modifies the Executive proposal to permanently extend a licensure exemption for social workers, mental health practitioners and psychologists working in certain exempt settings. The Senate proposal includes a temporary, three-year exemption with grandfathering provisions, continuing education and reporting

requirements to ensure compliance with licensure laws by July 1, 2016.

MISCELLANEOUS PILOT PROGRAM: COUNSEL AT FIRST ARRAIGNMENT

Aid to Localities (S.2603-C)

* The Senate denies the Executive proposal to provide \$3 million for a Pilot Program for Counsel at First Arraignment.

Article VII Proposals (S.2605-C)

* Part U: The Senate denies the Executive proposal to create a pilot program to provide grants to counties to be used for improvement of services to indigent defendants at their first arraignment before a court

GREEN THUMB PROGRAM

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$2.8 million.

HEALTH INSURANCE CONTINGENCY RESERVE

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$607,022,000.

HEALTH INSURANCE RESERVE RECEIPTS FUND

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$192,400,000.

INSURANCE AND SECURITIES FUNDS RESERVE GUARANTEE

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$1,605,000,000.

RESERVE FOR FEDERAL AUDIT DISALLOWANCES

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$200,000,000.

SPECIAL EMERGENCY APPROPRIATION

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$100,000,000.

SPECIAL FEDERAL EMERGENCY APPROPRIATION

State Operations (S.2600-C)

* The Senate concurs with the Executive recommendation of \$1,000,000,000.

NEW YORK WORKS TASK FORCE

State Operations (S.2600-C)

* The Senate concurs with the Executive proposal to appropriate \$1 million to the New York Works Task Force.

WORLD TRADE CENTER

Capital Projects (S.2604-C)

* The Senate concurs with the Executive proposal

REVENUE

Article VII Proposal (S.2609--C)

* PART A: The Senate concurs with the Executive proposal to extend the 1981 Temporary MTA Business Tax Surcharge for five years.

* PART B: The Senate modifies the Executive proposal to increase the film tax credit by \$420 million annually over the next two years.

The Senate proposes increasing the credit percentages for certain parts of the state and requires a study to report the effectiveness of credit versus other credits in increasing economic and fiscally positive activity.

* PART C: The Senate denies the Executive proposal to create the Innovation Hot Spots program.

* PART D: The Senate denies the Executive proposal to extend the limitation on itemized deductions for charitable contributions.

* PART E: The Senate denies the Executive proposal to change the taxation of royalty income.

* PART F: The Senate modifies the Executive proposal to extend and enhance the historic properties credit by increasing the cap from \$5 million to \$12 million over three years.

* PART G: The Senate modifies the Executive proposal to create an electric vehicle recharging property credit by expanding the credit to include refueling property for other alternative fuels.

* PART H: The Senate denies the Executive proposal to make permanent Tax Modernization provisions of the Tax Law: requiring electronic filing of authorized tax documents by tax return preparers; requiring electronic filing of authorized tax documents by taxpayers that prepare their own authorized tax documents using computer software; and requiring taxpayers that fail to pay sales tax to make deposits to a segregated account.

* PART I: The Senate denies the Executive proposal to create the Taste-NY program.

* PART J: The Senate denies the Executive proposal to limit the ability of Industrial Development Agencies to offer state sales tax exemptions.

* PART K: The Senate concurs with the Executive proposal to make a technical amendment to all the fuel taxes for compressed natural gas (CNG).

* PART L: The Senate modifies the Executive proposal to equalize the treatment of fuel tax exemptions for volunteer emergency squads by creating an up-front exemption from the petroleum business tax.

* PART M: The Senate denies the Executive proposal to expand the authorization of the Department of Tax and Finance to refuse to issue a Certificate of Authority for sales tax vendors.

* Part N: The Senate modifies the Executive proposal to expand the Department of Taxation and Finance's ability to refuse to reissue or revoke a cigarette certificate of registration.

* Part O: The Senate concurs with the Executive proposal to increase civil penalties for unstamped cigarettes.

* PART P: The Senate denies the Executive proposal to allow the Department of Taxation and Finance in conjunction with the Department of Motor Vehicles to suspend drivers' licenses for tax delinquency.

* PART Q: The Senate denies the Executive proposal to allow the Department of Tax and Finance to issue warrantless wage garnishments.

* Part R: The Senate accepts the Executive recommendation to authorize counties and cities to impose their current additional local rates of sale and compensating use taxes without obtaining State legislative authority while maintaining current preemption rules. In addition, the Senate supports advancement of a proposal that empowers local governments with enhanced local authority to make their own financial decisions provided sixty percent of the local governing board votes in favor of such law, the locality is prohibited from exceeding the property tax cap for three fiscal years and the locality implements best-budgeting practices.

* PART S: The Senate modifies the Executive proposals to eliminate the Quick Draw restrictions by only eliminating the square footage restriction.

* PART T: The Senate concurs with the Executive proposals to extend the Monticello VLT distribution rates for one year.

* PART U: The Senate modifies the Executive proposal to lower the pari-mutuel tax for simulcasting out of state races permanently, to extend the provisions for one year

* PART V: The Senate amends the Executive proposal to extend the enhancements to the historic home rehabilitation credit by five years to extend such enhancements by six years.

FAMILY TAX RELIEF ACT

* PART Y: The Senate advances language to enact the Family Tax Relief Act to include the following:.

- o increasing the dependent exemption from \$1,000 per dependent to \$2,020 per dependent;

- o increasing the dependent care credit to increase the amount of the federal credit that can be claimed;

- o increasing the child tax credit from \$330 per child to \$375 per child; and

- o providing a new supplemental child tax credit of \$500 per family.

- o PART Z: The Senate advances language to provide a STAR Rebate check for seniors in the 2013-14 school year and for all STAR recipients in the 2014-15 school year.

* PART AA: INTENTIONALLY OMITTED

* PART BB: INTENTIONALLY OMITTED

* PART CC: The Senate advances language to create a Hire-a-Vet credit to provide a tax credit to any business that hires full-time a veteran returning home from military service. That credit will equal 10 percent of wages paid -- increasing to 15 percent of wages if the

veteran is also disabled.

* PART DD: The Senate advances language to provide enhancements to the Excelsior Jobs Program and to increase the cap on the tax credits.

* PART EE: INTENTIONALLY OMITTED

* PART FF: The Senate advances language to create the New York State Business Incubator Program.

* PART GG: The Senate advances language to create a 30 percent credit for the rehabilitation of distressed properties.

* PART HH: The Senate advances language to increase the deposit under the Excelsior Linked Deposit Program and to allow technology and innovation businesses to participate in the program.

* PART II: The Senate advances language to exempt community colleges from the payroll mobility tax.

GROWN IN NEW YORK

* The following five parts represent legislation needed to enact the Senate's "Grown in New York" plan to Strengthen Agriculture and Family Farms.

o PART JJ: The Senate advances language to provide a personal income tax deduction for deposits to a farm reserve account.

o PART KK: The Senate advances language to authorize the creation of first time farm purchase accounts and to authorize a personal income tax deduction for deposits to such accounts.

o PART LL: The Senate advances language to exempt farms valued under \$5 million from the estate tax.

o PART MM: The Senate advances language to create a 25 percent natural resources improvement credit for farmlands and forestlands.

o PART NN: The Senate advances language to increase the credit for ethanol production from 15 cents to 25 cents if it is cellulosic ethanol that is produced.

- * PART OO: The Senate advances language to cap the tax on cigars at 50 cents per cigar.
- * PART PP: The Senate advances language to change the timing of tax payments for tobacco products
- * PART QQ: The Senate advances language to make the QETC training credit permanent and add a retroactive fix to eliminate a dispute taxpayers are experiencing with the Department of Tax and Finance
- * PART RR: The Senate advances language to allow a deduction under the personal income tax for transportation fringe benefits if the Federal government eliminates the pre-tax benefit parity between transit passes and parking expenses.
- * PART SS: The Senate advances language to create a 20% asbestos remediation credit.
- * PART TT: The Senate advances language to exempt the sale of private aircraft from sales tax.
- * PART UU: The Senate advances language to increase sales tax exemption for food from vending machines from seventy-five cents to one dollar and fifty cents.
- * PART VV: The Senate advances language to create a clean fuels and job creation tax credit for investments of new gas piping made by major electric generating facilities.
- * PART WW: The Senate advances language to creating a 10 percent credit for solar or battery storage manufacturers up to \$25 million.
- * PART XX: The Senate advances language to amend the tax law to allow foreign LLC/LLPs an exemption from nexus for using New York fulfillment services.
- * PART YY: The Senate advances language to allow Mixed Martial Arts in New York.
- * PART ZZ: The Senate advances language to cap appeal bonds of a judgment at \$100 million for Master Settlement Agreement (MSA) signatories and affiliates in order to protect MSA payments being made to the State.

* PART AAA: The Senate advances language to amend the definition of manufacturer.

* PART BBB: The Senate advances language to increase from two cents to a range of fourteen to fifteen cents the handling fee a cigarette stamping agent receives.

* PART CCC: The Senate advances language to create a personal income tax check-off for the purpose of increasing educational awareness of teen health problems.

* PART DDD: The Senate advances language to allow the Department of Taxation and Finance to share credit card payment data with the City of New York.

* PART EEE: The Senate advances language to authorize the Division of Lottery to sell advertising on the game of Quick Draw and on lottery tickets.

* PART FFF: The Senate advances language that allows VLT Facilities the ability to operate up to 6 a.m., but no more than twenty hours per day and to increase free play percentage from 10 to 15 percent.

* PART GGG: Miscellaneous sweeps and transfers.

Miscellaneous

BLUEPRINT FOR JOBS: RETHINK, REVITALIZE, REBUILD

The following represents proposals that should be considered to enact the Senate's Blueprint for Jobs plan. Additional parts of this plan would include a rejection of the 18-A assessment, and three constitutional amendments to: 1) Cap State spending at two percent, 2) require a two-thirds "super majority" vote for any tax hike, and 3) empower the Legislature to veto regulations that negatively impact job creation and retention efforts.

* The Senate shall consider proposals to:

- o Provide small businesses and small farms a deduction against net income.
- o Eliminate the corporate tax rate for small businesses over four years.
- o Eliminate Corporate Tax entirely for Manufacturers over the next four years.
- o Create a Hire-a-Vet credit to provide a tax credit to any business that hires full-time a veteran returning home from military service.
- o Provide enhancements to the Excelsior Jobs Program and to increase the cap on the tax credits.
- o Enhance the sales tax exemption for utilities used in the manufacturing process to make it less burdensome and more inclusive of the entire manufacturing process.
- o Create the New York State Business Incubator Program.
- o Extend and enhance the historic properties credit.
- o Create a credit for the rehabilitation of distressed properties.
- o Increase the deposit under the Excelsior Linked Deposit Program and to allow technology and innovation businesses to participate in the program.
- o Direct Executive State Agencies to ease administrative burdens on businesses by repealing unnecessary rules and regulations.
- o Empower Administrative Regulations Review Commission (ARRC) to ensure Executive agency rules and regulations do not overly burden small businesses and enable ARRC to provide greater guidance during the regulatory process and oversight of implemented rules and regulations.

- o Require agencies to publicly disclose their response times to permit applications and to tell applicants how long they can expect to wait for approval.

o Improve transparency and provide more definitive timelines in the State Environmental Quality Review (SEQR) process.

* The Senate shall consider a proposal to establish a program to provide a state contract preference for service-disabled veteran businesses.

* The Senate shall consider a proposal to consider increasing the number of businesses that can participate in the Minority and Women Business Enterprise Program.

* The Senate supports authorizing and regulating internet gaming for games of skill, including poker, to reflect recent changes in the classification of these games.

* The Senate supports the creation of a modernized regulatory framework that would oversee all Advance Deposit Wagering (ADW) companies that take bets from residents in New York State.